

Meeting of Special and Regular Meeting of March 8, 2011  
One Twin Pines Lane, Council Chambers

## **SPECIAL MEETINGS**

### **CLOSED SESSION - 7:00 P.M.**

- A. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8: One Parcel: APN 045-244-010

Attended by: Councilmembers Feierbach, Wozniak, Warden, Lieberman, Braunstein, City Manager Scoles, Interim City Attorney Kane, Community Development Director de Melo, Finance Director Fil. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:15 P.M.

**TERRI COOK**  
**Belmont City Clerk**

This meeting was not tape recorded or videotaped.

### **REGULAR MEETING – CALL TO ORDER 7:30 P.M.**

#### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Parks and Recreation Director Gervais, City Treasurer Violet, Associate Planner Walker, Fire Chief Fry, City Clerk Cook

#### **PLEDGE OF ALLEGIANCE**

Led by Councilmember Wozniak

#### **REPORT FROM CLOSED SESSION**

Interim City Attorney Kane stated that there were no reportable actions from the earlier Closed Session.

### **SPECIAL PRESENTATIONS**

#### **Presentation from HEART (Housing Endowment and Regional Trust)**

**Chris Mohr**, HEART Director, stated that the mission of the organization is to raise public and private funds to address housing needs. He explained that these funds are also used to leverage other funds. He thanked the Belmont City Council for its past support for the organization. He outlined the

projects that have been funded, and described the loan program, including the homebuyer's assistance program. He expressed concerns regarding the potential loss of Redevelopment Agency funds, as it could impact HEART's mission if those funds are reallocated for other uses.

#### **Presentation by South Bayside System Authority (SBSA) on Capital Improvement Program**

**Teresa Herrera**, SBSA Engineering Manager, described the portions of the capital improvement project which have been completed, including fiber optic cabling. She provided an overview of the active components of the multi-year project.

**Dan Child**, SBSA General Manager, noted that costs have increased since the project began. He explained that new issues have arisen since the project commenced which have resulted in an increase in costs of \$50 million, but he clarified that the total project still remains within budget. He described the condition of the pipeline and pump station and outlined the potential for a Bay spill. He added that this component encompasses the majority of the overall project.

Councilmember Wozniak inquired as to whether or not behavior changes or local ordinances addressing permeable surfaces or storm drains would affect the need for some of the capital projects. Mr. Child explained that any operational changes would not impact the need for this project. He noted that current conditions of the plant still need to be addressed.

Councilmember Lieberman noted that the system cannot handle flows during peak wet weather, and SBSA needs to use the holding tank during those occasions. He clarified that other SBSA members, not Belmont, are paying for the improvements in the conveyance system.

Councilmember Braunstein expressed a desire for ongoing updates on the project's finances.

**RECESS: 8:00 P.M. (to consider the Redevelopment Agency Agenda)**  
**RECONVENE: 8:25 P.M.**

#### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Mary Ridge**, Belmont resident, stated that the Sterling Downs Neighborhood Association would like its funds returned from the former president. She commented favorably on the new senior lunch program, but noted that the Mayor was late for the opening day. She noted that seniors have been harassed over an item stolen from a staff member.

**Donna Avanzino**, San Carlos Children's Theater (SCCT), announced an upcoming production being held at the Barrett Community Center. She noted that SCCT is working in cooperation with the City of Belmont for its summer and fall productions.

**Mary Morrissey-Parden**, Belmont Chamber of Commerce, announced the upcoming International Women's Day. She outlined the various Belmont businesses owned by women.

**Kathleen Beasley**, Belmont Library Manager, outlined upcoming events at the Library, including author nights. She noted that the Library is partnering with local restaurants for these events.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Feierbach stated that a ribbon cutting ceremony would be held for the restored Emmett House on March 19<sup>th</sup>.

Mayor Feierbach also stated that retired Belmont Police Sergeant Joe Hartman recently passed away, and tonight's meeting will be adjourned in his memory.

### **AGENDA AMENDMENTS**

City Manager Scoles noted that based on the discussion that took place on the companion items on the Redevelopment Agency agenda relative to item 4-E (Resolutions approving agreements between the Redevelopment Agency and the City Council), Davey Glen Park would be removed from the list of potential redevelopment projects because it is not within the Redevelopment Agency boundaries, and that the City Manager would be authorized to sign the deed documents associated with the Resolution Approving an Option Agreement.

City Clerk Cook noted that a member of the public requested the removal of Consent Item 4-B (second reading of Sign Ordinance) for separate consideration.

Councilmember Wozniak requested the removal of Consent Item 4-D (Resolution Approving the Stop Sign Warrant Policy) from the Consent Agenda for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of February 8, 2011

**Motion to** Receive Monthly Financial Reports

**Approval of** Resolution 10331 Amending the Fiscal Year 2011 Budget and Approving a Revision to Revenue and Supplemental Appropriation

### **CONSENT CALENDAR ITEM CONSIDERED SEPARATELY FOR ACTION**

**Resolution Approving a Public Improvements Reimbursement Agreement, Resolution Approving an Affordable Housing Reimbursement Agreement, and a Resolution Approving an Option Agreement between the City of Belmont and the Belmont Redevelopment Agency**

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to approve:

**Resolution 10332** Approving a Public Improvements Reimbursement Agreement, amended to remove Davey Glen Park as a proposed project.

**Resolution 10333** Approving an Affordable Housing Reimbursement Agreement

**Resolution 10334** Approving an Option Agreement between the City of Belmont and the Belmont Redevelopment Agency, amended to provide that the City Manager be authorized to execute the documents on behalf of the City of Belmont.

**ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Ordinance Amending Section 23 (Sign Regulations) and adding Section 23A (Sign Standards for Public Property) of Belmont Zoning Ordinance Number 360 (second reading and adoption)**

**Daisy Chow**, Belmont business owner, stated that the proposed new sign ordinance is unnecessary and is a burden for businesses. She expressed the need for window signage to attract business. She commented that the ordinance is an attempt to target existing businesses.

**ACTION:** Councilmember Wozniak made a motion to adopt an Ordinance Amending Section 23 (Sign Regulations) and adding Section 23A (Sign Standards for Public Property) of Belmont Zoning Ordinance Number 360

Community Development Director de Melo stated that this revised ordinance will have a six-month and one-year review after it goes into effect 30 days following adoption, and that outreach will be performed in the meantime. He described the outreach that was performed prior to the Public Hearing before the City Council, and noted that the Planning Commission held twelve meetings regarding this matter. He clarified that changes were made to the proposed ordinance as a result of the outreach.

**Public Speaker** (unidentified Belmont resident/business owner), stated he was unaware about the ordinance and commented that it is unnecessary. He noted that people will unlikely notice any difference between a Belmont business and one in another city as a result of the ordinance.

**Mary Morrissey-Parden**, Belmont Chamber of Commerce, stated that the issue of window signage was raised at the Planning Commission meetings. She noted that the Chamber of Commerce is clear in its position on this matter. She expressed support for a review of the ordinance in the future.

**ACTION:** On the motion made previously by Councilmember Wozniak, seconded by Councilmember Warden, and unanimously approved by a show of hands to adopt Ordinance 1055 Amending Section 23 (Sign Regulations) and adding Section 23A (Sign Standards for Public Property) of Belmont Zoning Ordinance Number 360.

**Resolution Approving the Stop Sign Warrant Policy**

Councilmember Wozniak requested a future presentation on this issue. She noted it contains a good deal of technical information.

Community Development Director de Melo stated that currently it is difficult to address stop sign requests using the existing policy. He clarified that most four-way stop sign requests do not meet the criteria.

Council concurred to postpone this matter until additional information can be presented.

## **OLD BUSINESS**

### **Annual Review of Council Priority Calendar: Step Two - Ranking the Projects (continued from 2/22/11)**

City Manager Scoles noted that as a result of previous City Council direction, three of the Community Development Department's projects have been combined. He recommended that the City Council select four or five projects as priorities for the next budget cycle. He cautioned that there is not much staff capacity to take on any new projects, but that the Council could determine if any new projects are a bigger priority than others.

Councilmember Warden recommended that the City Council rank all the projects, and then have staff process the rankings. He also recommended developing a list of active and inactive projects.

Discussion ensued regarding the priority calendar process.

Councilmember Braunstein expressed concerns regarding staff capacity. He stated that existing or pending projects would need to be eliminated if new projects are to be added.

City Manager Scoles noted that if an item is prioritized, it does not mean that the project will move forward.

Councilmember Warden stated that he is unable to rank any new projects, as he does not want to add anything to the existing project list. He stated that the update of the General Plan is important. He expressed a need to provide time for unknown issues that arise. He also stated that sometimes there are unreasonable expectations of accomplishing too many things.

Community Development Director de Melo recommended not removing any existing projects, especially circular driveways and residential design guidelines. He suggested that the top three projects include the General Plan Update, Village Zoning, and the San Juan Master Plan.

Discussion ensued regarding the Grand Boulevard project. Community Development Director de Melo advised that regional meetings are the only activity taking place on this initiative.

Councilmember Wozniak suggested ranking the list as a whole rather than by department. She expressed support for the sustainable initiatives, and noted they could be folded in the General Plan Update. She stated the priority calendar process needs to be revised. She noted that there may be a desire to move money from current projects to new projects.

Councilmember Lieberman recommended addressing the large family day care issue. He stated this is a manageable project.

Councilmember Braunstein stated that the Community Development Department is overwhelmed with projects.

Council concurred not to rank the Community Development Department items.

Discussion ensued regarding the Parks and Recreation Department's items.

Parks and Recreation Director Gervais stated that he views the priority calendar projects as a wish list and a planning tool. He concurred that the process may need to be refined, but that prioritizing items can give staff a sense of the Council's priorities.

City Manager Scoles stated that the priority calendar process could be further addressed at Council's goal-setting workshop.

Councilmember Warden stated that the development of a Parks Foundation is a priority.

Council concurred not to rank the Parks and Recreation Department's items.

**Mike Swire**, Green Advisory Committee (GAC), recommended adopting the priorities that were proposed by GAC. He noted that other cities are pursuing the ban on single-use plastic bags, and this initiative has received much support.

Discussion ensued regarding the plastic bag ordinance.

Councilmember Lieberman stated that projects should not be given to the Interim City Attorney, since she is on an hourly contract.

Councilmember Warden stated that the issue is staff capacity. He suggested that GAC do some preliminary work in advance of the hiring of a new City Attorney.

Human Resources Director Dino outlined the timeline for the new City Attorney, and noted that it would likely take four to six months.

**ACTION:** On a vote of 3-2 (Warden, Lieberman, Feierbach), to table the proposed ban on single-use plastic bags until a new City Attorney is hired.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to direct the Green Advisory Committee to draft an ordinance and have the Interim City Attorney Kane provide the estimated number of hours required to review and assist with the enactment of an ordinance.

**RECESS: 9:50 P.M.**  
**RECONVENE: 9:55 P.M.**

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL  
ASSIGNMENT UPDATES, AND STAFF ITEMS**

**Appointments to the Planning, Parks and Recreation, and Finance Commissions**

City Clerk Cook noted that all of the new applicants and incumbents had been interviewed. She stated that she was prepared for multiple balloting, should there be any tie votes.

Councilmember Warden suggested taking action to appoint the sole Finance Commission applicant.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 10335 Appointing Richard Ashby to a term on the Finance Commission expiring in March of 2014 was unanimously approved by a show of hands.

City Clerk Cook distributed the ballots for the Planning Commission seats. She noted that there were two full terms to appoint, and one partial term due to a resignation. She suggested balloting until three candidates were identified, and then determining which commissioners to appoint to which seats. The first round of balloting resulted in three candidates receiving three or more votes: Kenn Parsons, Gladwyn d'Souza, and Cindi Wheeler.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Wozniak, Resolution 10336 Appointing Kenn Parsons and Gladwyn d'Souza to terms on the Planning Commission expiring in March of 2014 was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Braunstein, Resolution 10337 Appointing Cindi Wheeler to a vacant term on the Planning Commission expiring in March of 2012 was unanimously approved by a show of hands.

City Clerk Cook distributed the ballots for the Parks and Recreation Commission Youth seats. The first round of balloting resulted in two candidates receiving three or more votes: Alex Bartee and Pantea Zakeri.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, Resolution 10338 Appointing Alexander Bartee and Pantea Zakeri to the Parks and Recreation Commission for terms expiring in March of 2012 was unanimously approved by a show of hands.

City Clerk Cook distributed the ballots for the Parks and Recreation Commission adult seats. The first round of balloting resulted in all four incumbents receiving three or more votes: Margo Cheechov, Rich Bortoli, Kevin Sullivan and Susan Wright.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Warden, Resolution 10339 Appointing Margo Cheechov, Rich Bortoli, Kevin Sullivan and Susan Wright to terms on the Parks and Recreation Commission expiring in March of 2013 was unanimously approved by a show of hands.

**Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Warden stated that he is the alternate for the South Bay System Authority, and Councilmember Lieberman, the primary delegate, is unable to attend the March 10<sup>th</sup> meeting. Councilmember Warden noted that he is unable to attend as well and suggested appointing another alternate.

No other Councilmember indicated their availability to attend.

Councilmember Lieberman stated that staff usually attends SBSA meetings, but they will be unable to participate in the Closed Session.

**Update on High Speed Rail**

Councilmember Wozniak noted that the City of Brisbane has joined the Peninsula Consortium of Cities, and other cities are considering joining the newly-formed San Mateo County Rail Corridor Partnership. She expressed concern that this committee has been focusing solely on utilizing the Caltrain right of way for the high speed rail alignment on the Peninsula. She cannot support the partnership for that reason, and suggested tabling any further action on joining the partnership.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Warden, and unanimously approved by a show of hands to table the action of joining the San Mateo County Rail Corridor Partnership.

**Verbal Report from City Manager**

City Manager Scoles noted that Caltrain is holding upcoming hearings on potential station closures, and Belmont's station is being considered for closure. He thanked staff members who were involved in organizing the recent commission dinner held at the Sports Complex. He stated that Semeria Park is nearing completion, and a ribbon cutting would be scheduled soon. He noted that SunEdison is still negotiating its lease for the building on Clipper Drive, but is likely to sign the lease soon. He provided a timeline for the rollout of the upcoming stand-alone fire department. He commented that Belmont received a copy of a letter from the City of San Carlos to the County of San Mateo regarding mediation, and he clarified that Belmont has not received any direct communication regarding this matter. He stated that no action would likely be taken regarding mediation until such time as the City of Belmont receives a formal invitation.

Discussion ensued regarding the mechanism for agendaizing this matter for future discussion.



**MEETING EXTENSION:** at this time, being 10:30 P.M., on a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, the meeting was unanimously extended for 30 minutes by a show of hands.

Councilmember Warden suggested the Item 9 process if a Councilmember desires to pursue mediation. He noted that since this is a political issue, it is not something that staff should bring forward.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

City Treasurer Violet announced the passing of long-time Belmont resident Joe Archibech, who served on the Belmont School Board for several years.

**ADJOURNMENT** at this time, being 10:35 P.M., in memory of retired Belmont Police Sergeant Joe Hartman.

**Terri Cook  
City Clerk**

Meeting Tape Recorded and Videotaped  
Audio Recording 784